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2                   UNITED STATES DISTRICT COURT  
3                   WESTERN DISTRICT OF WASHINGTON

4                   PATRICK LEONARD TIERNEY;

5                   CASE NO. 2:20-cv-01245-RSM

6                   VS.  
7                   PLAINTIFF,

8                   CARRINGTON MORTGAGE SERVICES,  
9                   LLC; AZTEC FORECLOSURE  
10                  CORPORATION OF WASHINGTON; and  
11                  THE BANK OF NEW YORK MELLON, f/d/a  
12                  THE BANK OF NEW YORK AS TRUSTEE  
13                  FOR REGISTERED HOLDERS OF CWABS,  
14                  INC., ASSET-BACKED CERTIFICATES,  
15                  SERIES 2004-5.

16                  ORDER FOR THE RELEASE OF FUNDS  
17                  HELD IN THE COURT REGISTRY

18                  DEFENDANTS.

19                  This matter comes before the Court on a Stipulated Proposed Order presented by Plaintiff  
20                  Patrick Leonard Tierney and defendant Carrington Mortgage Services, LLC (“Carrington”), by  
21                  and through their respective counsel of record. Dkt. #115. This Order was filed on March 29,  
22                  2022, and the Court has not received notice from any other party of an intent to oppose.

23                  I. RECITALS

24                  WHEREAS: On July 17, 2020, Tierney filed suit against Carrington in King County  
25                  Superior Court, Case No. 20-2-11324-7. On July 22, 2020, the superior court granted Tierney’s  
26                  Motion for a Temporary Restraining Order. Bond was set at \$1,889.51, to be paid monthly into  
the superior court registry. Dkt. #4 at 222-226. The total principal amount of payments made  
into the superior court registry pursuant to the July 22, 2020 order is \$17,005.59.

27                  WHEREAS: On August 18, 2020, Carrington removed the superior court action to this  
28                  Court. Dkt. #1. On March 25, 2021, this Court granted Tierney’s Motion for Preliminary  
Injunction. Bond was set at \$1,889.51, to be paid monthly into the court registry. Dkt. #28. The

1 total principal amount of payments made payments into the federal court registry pursuant to the  
2 March 25, 2021 order is \$15,116.08.

3 WHEREAS: On February 8, 2022, the parties to this action entered into a settlement  
4 agreement pursuant to which the funds held in the state and federal court registries are to be  
5 released in full directly to Tierney.

6 WHEREAS: On March 28, 2022, this Court granted Tierney's Motion to Enforce the  
7 February 8, 2022 settlement and denied Carrington's Motion to Reopen the Case. Dkt. #114.

8 **II. ORDER**

9 Based upon the foregoing recitals, this Court hereby rules as follows:

10 1) The funds held in the King County Superior Court Registry under Case No. 20-2-  
11 11324-7 and in the US District Court for the Western District of Washington under  
12 Case No. 2:20-cv-01245-RSM are awarded in full to Plaintiff Tierney.  
13 2) The clerk of the US District Court for the Western District of Washington is authorized  
14 and directed to draw a check on the funds deposited in the registry of this Court in the  
15 principal amount of \$15,116.08 plus all accrued interest, payable to Leonard Tierney.  
16 Tierney shall provide the mailing address to the Clerk's Office Finance Department by  
17 email.  
18 3) Tierney is to file an application in the King County Superior Court for the release of  
19 funds held in that court's registry under Case No. 20-2-11324-7, pursuant to and  
20 consistent with this Order.

21 **IT IS SO ORDERED.**

22 Dated this 1<sup>st</sup> day of April, 2022.

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25 RICARDO S. MARTINEZ  
26 CHIEF UNITED STATES DISTRICT JUDGE